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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 DALE P. DAVIS,

10 Plaintiff,

11 v.

12 BRENDA POWERS, *et al.*,

13 Defendants.  
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Case No. C08-5751 FDB/KLS

ORDER DENYING MOTION  
FOR EXTENSION OF TIME FOR  
SERVICE OF COMPLAINT

15 Plaintiff requests an extension of time to complete service of the amended complaint on the  
16 named defendants. Dkt. # 12. Defendants do not object to the request for extension. Dkt. # 13. To  
17 date, Defendants Harris and Anderson have filed waivers of service. Dkt. Nos. 14 and 15. Only  
18 Defendant James Anderson remains to be served.

19 Pursuant to Rule 4(m), service must occur within 120 days after the filing of the complaint.  
20 This action is proceeding on Plaintiff's First Amended Complaint filed on February 19, 2009. Dkt.  
21 # 4. Therefore, the Rule 4(m) time for service does not expire until June 19, 2009. Plaintiff's  
22 motion for an extension of time is, therefore, premature. If it appears that he is unable to effect  
23 service within the time frame allowed and he can show good cause for his failure to serve, he may  
24 request an extension.


25 Accordingly, it is **ORDERED**:

26 (1) Plaintiff's request for an extension of time (Dkt. # 12) is **DENIED at this time**.  
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(2) The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.

DATED this 24th day of April, 2009.

  
Karen L. Strombom  
United States Magistrate Judge